

### REMARKS

Claims 1-14 and 16-22 are now in the application. By this Amendment, claims 1, 9, 10, 12, 19, and 20 have been amended and claims 21 and 22 have been added. Claim 15 has been canceled without prejudice or disclaimer. Support for claims 21 and 22 is found at least at page 9, line 21 to page 10, line 11, and at page 11, lines 5-6, respectively, of Applicants' disclosure. No new matter has been added.

Claim 1 has been objected to because it recites the claim feature "base" twice in a row. Claim 1 has been amended to obviate this objection.

Claims 12, 18, and 20 have been objected to because it is unclear how bridging group Z is connected to the rest of the molecule in formulae IV.s to IV.u. Applicants believe that the Office Action intended to object to claim 19 instead of claim 18. Claims 12, 19, and 20 have been amended as suggested in the Office Action.

Claims 12, 19, and 20 have been objected to because they do not further limit the scope of the claims from which they depend. Applicants respectfully submit that amending claims 9 and 10, as suggested in the Office Action, obviates this objection.

Claim 15 has been rejected under 35 U.S.C. § 101 for reciting a "use." The cancellation of claim 15 renders this rejection moot.

Claims 1-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 02/083695 to Ahlers et al., as evidenced by US 7,173,138, in view of US 5,731,472 to Leung et al.

Claim 1 recites, among other features, at least one phosphoramidite compound as ligand, wherein the fluid is brought into contact with at least one base. Similar subject matter is recited in claim 13. At least this feature cannot reasonably be considered to be suggested by the applied citations.

The Office Action acknowledges, at page 4, lines 11-12, that Ahlers does not teach using a base to stabilize the hydroformulation catalyst disclosed therein. The Office Action relies on Leung for suggesting the use of a base to stabilize the catalysts disclosed in Ahlers. However, there is no motivation or rationale to combine the citations in the manner suggested in the Office Action. Specifically, as described in detail on page 5, lines 9-19, of Applicants' disclosure, a skilled artisan would not have assumed that the addition of a base would increase the stability of the complexes in Ahlers because the ligands disclosed therein already contain nitrogen with a varying degree of basicity.

Further, the ligands suggested in Leung are structurally different from the ligands taught in Ahlers because Leung teaches ligands that do not contain any basic moieties. Instead, the ligands suggested in Leung are aromatic rings without a heteroatom, which are substituted with methoxy- or alkyl-groups. A skilled artisan would not have had a reason to believe that adding a base, as suggested in Leung, would stabilize complexes of the structurally distinguishable ligands of Ahlers.

In addition, the hydroformylation catalysts recited in the pending claims can be successfully stabilized even in the absence of synthesis gas, as set forth on page 5, lines 17-19, of Applicants' disclosure.

The subject matter of claims 21 and 22 would also not have been suggested by the applied citations. Specifically, Leung fails to suggest features that can reasonably be considered to correspond to base that is selected from trialkylamines, dialkylarylamines, alkylarylamines, and triarylamines; or a mixture thereof, as recited in claim 21. Instead, Leung suggests free heterocyclic nitrogen compounds.

Additionally, the applied citations fail to suggest features corresponding to a base that is immobilized on a solid support, as recited in claims 21 and 22. In a preferred embodiment, set forth in example 14 and comparative example 13 at pages 44-45, Applicants demonstrated that after 40 days of continuous hydroformylation still 2150 ppm (28%) of ligand could be detected

with a base on an immobilized support. In the comparative example, after 6 days the amount of ligand had declined to 3100 ppm (21%) and after only 8 days no ligand could be detected.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants concurrently herewith file a Petition for a two-month Extension of Time along with the requisite fee of \$490. In addition, Applicants submit the requisite fee for an additional dependent claim in the amount of \$52. Applicants believe no additional fee is due with this response. However, if any additional fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13111-00038-US1 from which the undersigned is authorized to draw.

Dated: November 10, 2008

Respectfully submitted,

Electronic signature: /Georg M. Hasselmann/  
Georg M. Hasselmann  
Registration No.: 62,324  
CONNOLLY BOVE LODGE & HUTZ LLP  
1875 Eye Street, NW  
Suite 1100  
Washington, DC 20006  
(202) 331-7111  
(202) 293-6229 (Fax)  
Attorney for Applicants